

ORIGINALUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FEB 3 2005

CLERK, U.S. DISTRICT COURT
BY _____
DEPUTY

UNITED STATES OF AMERICA

§

v.

§

No. 4:05-019-MJ

§

FRANK DAVID TREVINO

§

§

CRIMINAL COMPLAINT

I, Special Agent Melanie Finney (ATF), the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief:

On or about January 29, 2005, in the Fort Worth Division of the Northern Judicial District of Texas, Frank David Trevino, defendant, unlawfully possessed a firearm after being convicted in a court of a crime punishable by imprisonment for a term exceeding one year in violation of 18 U.S.C. § 922(g), and unlawfully possessed a firearm during and in relation to a drug trafficking crime in violation of 18 U.S.C. § 924(c).

The facts supporting these allegations are as follows:

1. On January 29, 2005, Fort Worth Police Department (FWPD) Sergeant R.L. Krouse attempted to initiate a traffic stop on a copper colored Ford Sport Explorer bearing a Texas temporary tag, being driven by Trevino, for failure to signal 100 feet before a turn. However, Trevino fled in his vehicle before Sgt. Krouse could make contact with him. While being chased by FWPD, Trevino threw an Interarm, .380 caliber pistol, bearing serial number A01132, out of the passenger window before crashing the vehicle on private property. Trevino then exited the vehicle and ran. While running, Trevino threw a clear plastic baggie containing a crystal like substance, believed to be methamphetamine, into a backyard of a residence. Trevino then hid in some bushes and was captured by FWPD officers. These events, including the chase, the discarding of drugs, and the capture of Trevino, were recorded on videotape by a FWPD helicopter, "Air One."


2. On February 2, 2005, I reviewed Trevino's criminal history which shows: a 1992 felony conviction for Engaging in Organized Crime in Hays County, Texas; a 1993 felony conviction for Robbery by Threats in Tarrant County, Texas; a 1993 felony

conviction for Burglary of a Vehicle in Tarrant County, Texas; and a 1993 felony conviction for Robbery with Bodily Injury in Tarrant County, Texas. I then requested certified copies of Trevino's convictions.


3. On February 3, 2005, I received certified copies of Trevino's Tarrant County felony convictions. The court documents indicate that Trevino initially received probation for a 1993 felony conviction for Robbery by Threats, but his probation was revoked on December 15, 1993 resulting in Trevino being sentenced to eight years confinement in the Texas Department of Criminal Justice - Institutional Division (TDCJ-ID). Trevino was indicted in 1993 for the offense Burglary of a Vehicle. He pled guilty to this charge and was sentenced to eight years confinement in the TDCJ-ID, on December 15, 1993. Trevino was also indicted in 1993 for the offense of Robbery Causing Bodily Injury. He pled guilty and was sentenced to eight years confinement in TDCJ-ID, on December 15, 1993

4. On February 3, 2005, I spoke with FWPD Chemist Yin Zhang, who stated that she analyzed the controlled substance thrown out of the vehicle by Trevino and determined that it weighed 27.86 grams and contained methamphetamine.

5. On February 3, 2005, ATF Special Agent Randall Dockens, an Interstate Nexus Expert, reviewed a description of the firearm, which was possessed by Trevino on January 29, 2005. Special Agent Dockens determined that the firearm was manufactured outside the state of Texas and therefore, would have had to move in, and affect interstate commerce to reach the state of Texas.


Melanie Finney
ATF Special Agent

Sworn to before me, and subscribed in my presence, February 3, 2005 at 7:30 p.m.,
at Fort Worth, Texas.



CHARLES BLEIL
United States Magistrate Judge